

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.223 OF 2005

Smt.Kalandi K. Rai. ..Petitioner.

V/s.

Kamlakant Tripathi & Ors. ..Respondents.

Mr.M.S.Lagu for petitioner.

Mr.S.M.Oak for Respondent No.1.

Mr.A.H.Palekar, AGP for respondent No.2.

CORAM: A.M.KHANWILKAR, J

DATE : MARCH 8, 2006.

P.C. :

1. Heard.

2. Perused the reply affidavit filed by the Education officer(Secondary), Zilla Parishad, Thane. It is stated in the affidavit that after receipt of individual approval of the staff, the Headmistress submitted the pay bills to the Pay Unit and received salary grants for the month of May, June and July, 2005. It is further stated that under the approval order dated 27/4/2005 the petitioner was sanctioned the pay scale of the Headmistress by mistake since it was sanctioned pending litigation and such course would result in double payment of the pay-scale. In

view of this, rectification order of individual approval of petitioner has been issued on 6th July, 2005. Suffice it to observe that it is not a case of willful disobedience or intentional breach of the order passed by this court so as to initiate contempt action against the concerned respondent. Hence, this petition disposed of leaving all questions on merits of the claim open, to be decided in accordance with the law.

3. It is open to the petitioner to take recourse to appropriate remedy as may be advised.

4. At this stage, counsel for the petitioner insists that it may be recorded in the order that similar stand was taken before the Division Bench and which has been considered by the Division Bench. I find no substance in this grievance. The orders which are referred to above are passed by the authorities after the date of the order of the Division Bench. If the petitioner is aggrieved by this order it is open for her to take recourse to remedy as may be advised.